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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Houghton et al.	
Application No.: 09/996,128	Group Art Unit: 1642
Filed: 11/27/2001	Examiner: A. Harris
Title: Compositions for Treatment of Melanoma and Method of Using Same	Confirmation No: 3698
Attorney Docket No.: MSK.P-026-3	
Customer No.: 021121	

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Office Action mailed June 25, 2004 for the above-captioned application. Applicants hereby elect the claims of Group I, **with traverse**. Reconsideration of the restriction as presented is requested for the reasons set forth below.

Applicants note that the restriction appears to be one more properly presented as an election of species, rather than an election of separate inventions. Claims 1 and 10 are generic with respect to each of the inventions as claimed. Restricting consideration to only the specific species claimed unfairly limits the ability of Applicants to claim their invention as they understand it. Thus, Applicants submit that the election should be treated as an election of human tyrosinase as a species, and that the claims of Groups II, III and IV should be recombined consistent with species practice if the elected species is found to be allowable.

I hereby certify that this paper and any attachments named herein are transmitted to the United States Patent and Trademark Office, Fax number: 703-872-9306 on July 26, 2004.

Marina T. Larson, PTO Reg. No. 32,038

July 26, 2004
Date of Signature

Appln No.: 09/996,128
Amendment Dated: July 26, 2004
Reply to Office Action of June 25, 2004

As to groups V and VI, Applicants request that the Examiner reconsider this restriction after the search of the elected invention is completed. While Applicants do not disagree with the Examiner's position concerning the distinctness of the invention, it is believed that the Examiner may conclude that the art of relevance to these claims has been searched in the course of searching the method claims. Thus, there would be no additional search burden on the examiner, and compactness of prosecution would encourage withdrawal of the restriction in that circumstance.

Respectfully Submitted,

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